



Circuit Court

County of Oakland

WENDY POTTS
CHIEF CIRCUIT JUDGE

1200 N TELEGRAPH RD DEPT 404
PONTIAC MI 48341-0404

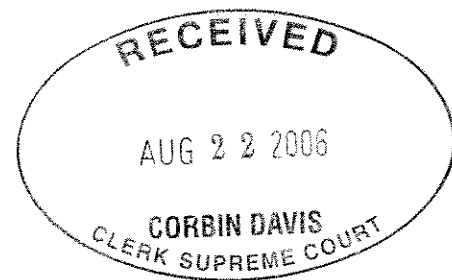
SIXTH JUDICIAL CIRCUIT
OF MICHIGAN
(248) 858-0361
FAX 248-975-9700

August 18, 2006

Mr. Corbin R. Davis
Clerk of the Supreme Court
P.O. Box 30052
Lansing, Michigan 48909

Re: **ADM File No. 2003-21**

Dear Mr. Davis:



The Oakland Circuit Bench, at its August meeting, discussed Proposed Amendment of Rule 9.207 of the Michigan Court Rules and offers these observations and constructive suggestions.

Alternative A is the better proposal. There are several concerns, however, that we believe must be brought to your attention.

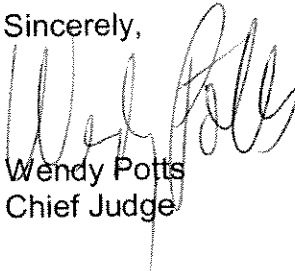
First, under Rule 9.207(B), even if the commission finds "insufficient cause" to warrant filing a complaint, the commission may nonetheless sanction a judge. Also, the Rules are silent regarding the standard of review to be employed by the commission in conducting an investigation. Are the commission's findings based on clear and convincing evidence, a preponderance of the evidence or beyond a reasonable doubt? The Rule as stated provides purely subjective discretion in its determination of what action is to be taken by the commission.

Second, the fact that any right of appeal must be public suggests that a judge is placed in a precarious position for challenging or disagreeing with the commission's findings. A judge runs the risk that an admonishment based on insufficient findings can still become public, which presents an unfairly unfavorable view of a judge to the public.

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In any event, the Oakland Circuit Bench does not seek to deprive the JTC of informal means of addressing judicial misconduct. We seek only to clarify the JTC's role in this regard.

Sincerely,

A handwritten signature in dark ink, appearing to read "Wendy Potts", written over the typed name and title.

Wendy Potts
Chief Judge

WP:she